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PLEASE REPLY TO  
NEW JERSEY OFFICE

May 9, 2011

**VIA ECF**

Hon. Michael A. Shipp, U.S.M.J.  
District of New Jersey  
Martin Luther King, Jr. Federal Building & U.S. Courthouse  
50 Walnut Street  
Newark, New Jersey 07101

RE: Renaissance Carpet and Tapestries, Inc. v. S&H Rugs, Inc. et al.  
Civil Action No. 09-CV-00632 (SRC-MAS)

Dear Judge Shipp:

We represent Defendants S&H Rugs, Inc. and Ori Wilbush in the above-referenced matter. Currently pending before this Court is Plaintiff's Motion for Sanctions for Spoliation of Evidence.

In reviewing our memo this week, I realized that we neglected to include a citation to Fed. R. Civ. P. 37(e) in our opposition brief to this motion. This rule states that "[a]bsent exceptional circumstances, a court may not impose sanctions under these rules on a party for failing to provide electronically stored information lost as a result of the routine, good-faith operation of an electronic information system." As more fully argued in our brief, any loss of electronic information was the result of the good faith operation of the Defendants' systems.

While I am certain that the Court is aware of Fed. R. Civ. P. 37(e), I nonetheless thought that we should correct this oversight. Thank you for your attention to this matter.

Hon. Michael A. Shipp, U.S.M.J.

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Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jay R. McDaniel", written in a cursive style.

**Jay R. McDaniel**

cc: Ronald W. Meister, Esq. (*via ECF and email*)  
Ori Wilbush (*via email*)